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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN MICHAEL BENTLEY,

Defendant and Appellant.

2d Crim. No. B294489
(Super. Ct. No. 17F-11215)
(San Luis Obispo County)

Steven Michael Bentley appeals the trial court's postjudgment order denying his motion to recall his sentence under Penal Code¹ section 1170, subdivision (d). In November 2017, appellant pled no contest to attempted burglary (§§ 459, 664) and admitted serving a prior prison term (§ 667.5, subd. (b)). The court suspended imposition of sentence and placed appellant on probation with terms and conditions including that he serve nine months in county jail. After appellant admitted violating his probation, the court revoked probation and sentenced appellant to 30 months in county jail.

¹ All statutory references are to the Penal Code.

Appellant did not appeal his sentence. Three months later, he filed a motion to recall his sentence under section 1170, subdivision (d). Appellant “request[ed] that his sentence be modified to a split sentence”² so he could help care for his minor daughter. The court denied the motion, and this appeal followed.

We appointed counsel to represent appellant in this appeal. After counsel’s examination of the record, he filed a brief raising no issues. On March 19, 2019, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. We received no response.

We have reviewed the entire record and are satisfied that appellant’s counsel has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment (order denying motion to recall sentence) is affirmed.

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PERREN, J.

We concur:

YEGAN, Acting P.J.

TANGEMAN, J.

² “A split sentence is a hybrid sentence in which a trial court suspends execution of a portion of the term and releases the defendant into the community under the mandatory supervision of the county probation department.” (*People v. Camp* (2015) 233 Cal.App.4th 461, 464, fn. 1.)

Dodie A. Harman, Judge
Superior Court County of San Luis Obispo

Richard B. Lennon, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.